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12 December 2024

**Via CM/ECF (Filed Electronically)**

The Honorable William C. Bryson  
Judge, United States Court of Appeals  
Howard T. Markey National Courts Building  
717 Madison Place N.W.  
Washington, D.C. 20439-0000

**Re: Ryanair DAC v. Booking Holdings Inc., et al.  
U.S.D.C.(D.Del.)  
C.A. No. 1:20-cv-01191-WCB**

Dear Judge Bryson:

Ryanair submits this letter in response to Booking.com's motion to strike (D.I. 509), which claims that portions of Ryanair's letter briefing are improper. Ryanair disagrees.

The Court requested supplemental briefing on how to reconcile the evidence in the record with the testimony of Mr. Hurley and Mr. Guerrero. *See* 12/06/24 Tr. at 13:3-15. Ryanair provided what was requested. Booking.com now moves to strike paragraphs 6 to 9 and footnote 1 of Ryanair's letter brief. In the brief, Ryanair attempted to provide context to the apparent discrepancy and any potential impact. *See, e.g.*, D.I. 506 at 1 (stating, for example, "Mr. Hurley's test booking testimony should not impact the ultimate outcome of the Booking.com's Rule 50 motion."). Booking.com provided similar context and explanation, arguing that Ryanair has the burden of proving the basis for a permanent injunction, that Ryanair failed to meet that burden, and that Mr. Hurley's testimony should be disregarded "for purposes of both Motions currently before the Court." D.I. 505 at 2.

Ryanair also provided Sheild cost calculations because it understood the Court might want such calculations. D.I. 508; *see* 12/06/24 Tr. at 47:14-20. Ryanair expected Booking.com might also provide its written calculations. The parties met and conferred about this dispute and, due to the misunderstanding, Ryanair offered to withdraw the associated Sheild cost calculation to avoid additional briefing. Booking.com rejected this proposal because Ryanair would not agree to withdraw paragraphs 6 to 9 and footnote 1, which are discussed above.

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For the reasons stated above, Ryanair requests that the Court deny Booking.com's motion to strike.

Respectfully yours,

A handwritten signature in black ink, consisting of a large, stylized 'O' followed by a series of connected loops and a long horizontal stroke extending to the right.

R TOUHEY MYER (#5939)

RTM/rec  
*Enclosures*

cc: All Counsel of Record *(via E-mail and CM/ECF)*